

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
COLUMBIA DIVISION

IMOGENE SUMRALL )  
 ) No. 1:06-0080  
v. )  
 )  
GENERAL MOTORS MANUFACTURE )

TO: Honorable Todd J. Campbell, Chief District Judge

**REPORT AND RECOMMENDATION**

By order entered October 12, 2006 (Docket Entry No. 3), this case was referred to the Magistrate Judge, pursuant to 28 U.S.C. § 636, and Rule 72 of the Federal Rules of Civil Procedure, for pretrial proceedings.

The plaintiff filed this action pro se on October 6, 2006, asserting a claim of employment discrimination. By Report and Recommendation filed on June 18, 2007 (Docket Entry No. 4), the Magistrate Judge recommended that the action be dismissed for the plaintiff's failure to serve the defendant with process within 120 days of the date the action was filed as required by Rule 4(m) of the Federal Rules of Civil Procedure.

On July 2, 2007, the plaintiff filed a request for a 30 day extension (Docket Entry No. 6). By order entered July 3, 2007 (Docket Entry No. 7), the Court overruled the Report and Recommendation and extended the time for the plaintiff to obtain service upon the defendant for 30 days. The Court further provided in the July 3, 2007, order that the action would be dismissed without prejudice pursuant to Rule 4(m) if she did not obtain service upon the defendant within 30 days.

Even though more than 60 days have now passed since the July 3, 2007, order, plaintiff has not made any filing indicating that she has obtained service of process on the defendant. The

plaintiff has not sought any further extension of time to serve the defendant nor has she made any filings or otherwise communicated with the Court since July 2, 2007.

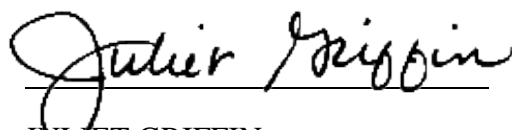
Rule 4(m) of the Federal Rules of Civil Procedure provides that, in the absence of a showing of good cause by the plaintiff for why service has not been timely made, the Court "shall dismiss" the action without prejudice.

### **R E C O M M E N D A T I O N**

Accordingly, the Court again respectfully RECOMMENDS that his action be DISMISSED without prejudice.

Any objections to this Report and Recommendation must be filed with the Clerk of Court within ten (10) days of receipt of this notice, and must state with particularity the specific portions of this Report & Recommendation to which objection is made. Failure to file written objections within the specified time can be deemed a waiver of the right to appeal the District Court's order. See Thomas v. Arn, 474 U.S. 140 (1985); United States v. Walters, 638 F.2d 947 (6th Cir. 1981).

Respectfully Submitted,

A handwritten signature in black ink, reading "Juliet Griffin", written over a horizontal line.

JULIET GRIFFIN  
United States Magistrate Judge